

STATE OF MICHIGAN  
COURT OF APPEALS

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MARLENE HARKNESS and JOE L.  
HARKNESS,

UNPUBLISHED  
March 28, 2006

Plaintiffs-Appellants,

V

No. 266503  
Kent Circuit Court  
LC No. 05-00343-NI

JOE A. BEHUN, II, and JENNIFER PERKINS-  
BEHUN,

Defendants-Appellees.

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Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Plaintiffs appeal as of right from an order granting summary disposition to defendants. MCR 2.116(C)(10). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review rulings on motions for summary disposition *de novo* to determine if the moving party is entitled to judgment as a matter of law. *Maiden v Rozwood* 461 Mich 109, 118; 597 NW2d 817 (1999). A motion for summary disposition under MCR 2.116 (C)(10) tests the factual basis for the claims. In evaluating a motion for summary disposition brought under this rule, the trial judge must consider pleadings, affidavits, depositions, admissions, and other evidence submitted by the parties in a light most favorable to the non-moving party. *Id.* at 120.

To maintain an action for non-economic loss under Michigan’s no-fault act, a plaintiff must show an “objectively manifested impairment of an important body function”, and the plaintiff must also prove that the injury affects his or her “general ability” to lead a “normal life.” *Kreiner v Fischer*, 471 Mich 109, 132; 683 NW2d 611 (2004); MCL 500.3135(7).

The evidence showed that Marlene Harkness sustained an objective injury to her left knee as a result of a traffic accident. However, we conclude, as did the trial court, that she had not lost her general ability to lead a normal life. Any restrictions were self-imposed. Self-imposed restrictions, based on pain alone, do not constitute evidence of a serious impairment of body function. *Kreiner*, *supra* at 133 n 17.

We reject plaintiffs’ argument that the trial court erred by granting summary disposition on their claim that Marlene Harkness could suffer future wage loss beyond the three year limit of

MCL 500.3135(3)(c). Plaintiffs' claims regarding the possibility of lost time at Marlene Harkness' employment in the event of future surgery are speculative on the facts before us.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra